

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

BONNIE M. MCGRIFF
2878 Tara Trail
Beavercreek, Ohio 45434

Case No.

Judge: _____

Plaintiff,

vs.

**COMPLAINT WITH
JURY DEMAND**

BEAVERCREEK CITY SCHOOL DISTRICT
3040 Kemp Road
Beavercreek, Ohio 45431

Defendant.

Now comes Plaintiff Bonnie McGriff by her counsel and for her complaint against Defendant Beavercreek City School District hereinafter referred to as “Defendant” state as follows:

I. PARTIES, JURISDICTION & VENUE

1. Plaintiff Bonnie M. McGriff (herein “Plaintiff or McGriff”) is, and at all times relevant hereto was a citizen of the state of Ohio.
2. Defendant Beavercreek City School District (“BCSD or “Defendant”) is an Ohio school district that provides classroom instruction for students in Beavercreek school district.

3. This action arises under Age Discrimination in Employment Act and the Americans with Disabilities Act. Plaintiff is a female, fifty-four years of age and suffers from a hearing disability.

4. Jurisdiction in this Court is proper at least pursuant to the aforesaid federal acts.

5. Venue properly lies with the Southern District of Ohio pursuant to 29 U.S.C. §1132 (e)(2) because the acts herein complained of have occurred within this district.

6. On or about August 7, 2017, Plaintiff filed a formal complaint of discrimination with the Ohio Civil Rights Commission against Defendant.

7. Subsequently, on August 13, 2018 the United States Equal Employment Opportunity Commission issued a Dismissal and Notice of Rights which was received by Plaintiff on August 15, 2018. A copy of the Dismissal and Notice of Rights ("Notice") is attached hereto as Exhibit A.

8. The Notice provided that Plaintiff had the right to file a civil action in an appropriate United State District Court within 90 days of receipt of the Notice. This action is being brought within 90 days of Plaintiff's receipt of the Notice.

II. FACTUAL BACKGROUND

9. Plaintiff restates the allegations of paragraphs 1-8 as if fully restated herein.

10. Plaintiff Bonnie McGriff is a Caucasian female, fifty four years of age and is still employed by Defendant and has been employed by said Defendant since July 1996. Plaintiff has a hearing disability.

11. During her employment with Defendant, Plaintiff has always received exceptional

performance reviews of a very positive nature.

12. Plaintiff is a thirty-year Spanish teacher (twenty-one years at BCSD). Prior to the 2017-18 school year, Plaintiff's was given a job transfer to teach French only, which Plaintiff believes was calculated to force her out of employment due to her age and disability.

13. Plaintiff has taught Spanish in an exceptional manner for her entire career despite suffering from a hearing disability. The last time she taught French I was nearly twenty years ago; and at the time of the job transfer, she had never taught French II.

14. Plaintiff believes the transfer was not in the best interest of Defendant's students and was calculated for her not to be successful, so she could be forced out of employment.

15. Teaching French requires very discriminating ears and even with her hearing aids it is very difficult for Plaintiff to satisfactorily perform her job duties when teaching French.

16. Some substantially younger and non-disabled employees were provided more favorable teaching assignments than Plaintiff, who is the Department Chair.

17. One of the employees who has been given more favorable treatment is married to the Defendant's PR Director in the Central Office, and had only worked with Defendant for three years at the time she received more favorable job assignments. Further, this individual only has a Spanish minor, but was assigned to teach upper level Spanish.

18. In addition, there were three Spanish staff members (two full-time, one part-time) that did not have a full class load, yet they were provided more favorable Spanish job assignments than Plaintiff, who has the most seniority of any Spanish instructor at Defendant.

19. The job assignments were manipulated by Defendant to afford better classroom assignments to newer and substantially younger and non-disabled employees.

III. CAUSES OF ACTION

A. AGE DISCRIMINATION

AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967, 29 U.S.C. § 621

20. Plaintiff restates the allegations of paragraphs 1-19 as if fully restated herein.
21. Plaintiff is a member of a class of persons protected from discrimination due to her age.
22. During her employment with Defendant, Plaintiff was treated differently than substantially younger employees in respect to employment opportunities, job assignments, and transfers.
23. Defendant awarded favorable job assignments/transfers to substantially younger employees in a disproportionate manner that violated the state and federal laws/regulations referenced herein.
24. As a direct and proximate result of Defendant's unlawful actions Plaintiff has been damaged, at least in the form of lost pay, benefits and attorney fees.
25. Plaintiff has also suffered stress, anxiety and emotional distress as a result of Defendant's unlawful actions.

III. CAUSES OF ACTION

B. DISABILITY DISCRIMINATION

AMERICANS WITH DISABILITIES ACT OF 1990, 42 U.S.C. § 1201, et seq.

26. Plaintiff restates the allegations of paragraphs 1-25 as if fully restated herein.

27. Plaintiff, who suffers from a hearing disability, is a member of a class of persons protected from discrimination due to her disability.
28. During her employment with Defendant, Plaintiff was treated differently than non-disabled employees in respect to employment opportunities, job assignments, and transfers.
29. Defendant awarded favorable job assignments/transfers to non-disabled employees in a disproportionate manner that violated the state and federal laws/regulations referenced herein.
30. As a direct and proximate result of Defendant's unlawful actions Plaintiff has been damaged, at least in the form of lost pay, benefits and attorney fees.
31. Plaintiff has also suffered stress, anxiety and emotional distress as a result of Defendant's unlawful actions.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Bonnie M. McGriff respectfully demands judgment against Defendant Beavercreek City Schools District and prays for the following relief:

- A. An Order awarding Plaintiff the appropriate job assignment for teaching the Spanish language;
- B. An award of prejudgment and post judgment interest;
- C. An award of reasonable attorneys fees and costs incurred pursuant to all applicable federal statutes;
- D. An award of back pay and all benefits due and owing;
- E. An award of compensatory damages in excess of Twenty-Five Thousand Dollars (\$25,000);

F. For such other relief that this court deems just and equitable.

Respectfully submitted,

DUWEL LAW

/s/ David M. Duwel
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ATTORNEY FOR PLAINTIFF

JURY DEMAND

Plaintiff demands a trial by jury.

/s/ David M. Duwel
DAVID M. DUWEL (0029583)